

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. 7739 /2021

Ayesha Gul


V/S

Education dept


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**APPELLANT**

  
Ayesha Gul

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. \_\_\_\_\_/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7857

Dated 05/11/2021

Aisha Gul Lab. Superintendent(Bsp-16)  
GGHSS Shahdand Mardan.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education KP, Peshawar.
2. The Director, Elementary & Secondary Education KP, Peshawar.
3. The District Education officer, female Mardan.
4. The District Education officer, female Nowshera.
5. Mst Samina Gul Lab. Superintendent(Bsp-16) GGHSS Nowshera  
kalan District Nowshera.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KP SERVICE  
TRIBUNALS ACT, 1974, AGAINST THE IMPUGNED  
TRANSFER ORDER DATED 22.06.2021 AND ALSO  
AGAINST NOT DECIDING THE DEPARTMENTAL  
APPEAL OF THE APPELLANT WITHIN STATUTORY  
PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE  
TRANSFER ORDER DATED 22.06.2021 TO THE  
EXTENT OF APPELLANT MAY BE SET ASIDE AND THE  
APPELLANT MAY BE ALLOWED TO PERFORMED  
DUTIES AS PRIOR TO THE ISSUANCE OF THE  
IMPUGNED TRANSFER ORDER. ANY OTHER  
REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS  
FIT AND APPROPRIATE THAT MAY ALSO BE  
AWARDED IN FAVOUR OF THE APPELLANT.

Filed to day

Registrar

5/11/2021

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2021

Aisha Gul Lab. Superintendent(Bps-16)  
GGHSS Nowshera kalan District Nowshera.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education KP, Peshawar.
2. The Director, Elementary & Secondary Education KP, Peshawar.
3. The District Education officer, female Mardan.
4. The District Education officer, female Nowshera.
5. Mst Samina Gul Lab. Superintendent(Bsp-16). GGHSS Shahdand Mardan.

(RESPONDENTS)

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**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 22.06.2021 WHEREBY RESTORATION ORDER DATED 09.06.2021 (wherein the transfer order dated 09.09.2020 was restored) WAS WITHDRAWN AND ALSO AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 22.06.2021 MAY BE SET ASIDE PASSED PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND RESTORE THE ORDER DATED 09.09.2020. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN**

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**VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant is a respectable citizen of Pakistan and is serving in the Government of Khyber Pakhtunkhwa Higher Education Department as Lab. Superintendent (Bps-16).
2. That the appellant has been giving his services to the department with utmost dedication and honesty for many years and up to the entire satisfaction of his superiors.
3. That the appellant was transfer from GGHSS Nowshera Kalan and placed at disposal of District Education Officer (female) Mardan for further adjustment vide order dated 12.07.2019. **Copy of order is attached as annexure-A.**
4. That through officer order dated 23.09.2019 appellant was adjusted against the vacant post of Assistant programmer at the office of DEO (Female) Mardan. **Copy of order is attached as annexure-B.**
5. That lastly the appellant through transfer order dated 09.09.2020 transferred from GGHS Nowshera Kalan district Nowshera to GGHSS Shah Dand Par Hoti Mardan. **Copy of transfer order is attached as annexure-C.**
6. That the transfer order of the appellant was withdrawn without showing reason vide order dated 29/09/2020 just after 20 days. Which is not sustainable in the eye of law. **Copy of withdrawal order is attached as annexure-D.**
7. That the transfer order dated 09.09. 2020 has been restored vide order dated 09.06.2021 but quite astonishingly the same was withdrawn again vide order dated 22.06.2021 just after 13 days. The appellant feeling aggrieved submitted departmental appeal on 12.09.2021 against the impugned order to the department; however, no action in any form was taken upon it within statutory period of 90 days. **Copy restoration order and impugned order and Departmental Appeal is attached as Annexure – E, F & G.**
8. That now the appellant comes to this august Tribunal for the redressal of his grievances on the following grounds amongst others.

**GROUND:**

- A) That the order dated 22.06.2021 is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That the impugned transfer order of the appellant was issued without the completion of the normal posting period of 2 years which is the violation of the government laid down Posting Transfer Policy. **Copy of Posting Transfer Policy is attached as Annexure - H.**
- D) That the opportunity of personal hearing and personal defense was not provided to the appellant which is against the spirit of Article 10-A of the Constitution of the Islamic Republic of Pakistan.
- E) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure at Abbottabad and without giving compelling reason for such transfer of the appellant by the authority. As held in Supreme Court Judgment cited as **2013 PLD SC 195.**
- F) That the impugned order has not been issued in the public interest, therefore not tenable and liable to be set aside.
- 6. That the tenure of the private respondent at GGHSS Shahdand Mardan is about 30 years, according to transferred posting Policy, so the order dated 09-09-2020 is according to law and rules and cancelation of order 22/06/2021 without showing any cogent reasons and without giving personal hearing is against the law rules, posting transfer policy. Same principal is already held in tribunal Judgment titled as Muhammad Miskeen vs Irrigation deptt. **Copy of judgment is attached as annexure-I.**
- G) That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.

(M)

H) That the impugned Transfer & Posting are thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.

I) That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed prematurely before completion of normal tenure just after 1 year, which is total violation of clause (i) (ii) and (iv) Govt: posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. It is, further mentioned here that not only premature but successive transfers in span of 1 year which is not permissible in eye of law as held in Supreme Court Judgment cited as 2011 PLC(cs) 935.


J) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

  
Ayesha Gul

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

&

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.

(5)

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2021

Ayesha Gul

V/S

Education deptt

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

THROUGH:

*7/11/21*  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. \_\_\_\_\_/2021

Ayesha Gul

V/S

Education deptt

AFFIDAVIT

I, Ayesha Gul (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honourable Tribunal.

  
DEPONENT



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**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. \_\_\_\_\_ /2021

Ayesha Gul

V/S

Education deptt

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**APPLICATION FOR SUSPENSION OF  
OPERATION OF ORDER DATED  
22.06.2021 TILL THE DISPOSAL OF MAIN  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prima facie case and all the ingredients of stay are in favour of the appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has been passed in violation of Posting Transfer Policy.
5. That if the order dated 22.06.2021 is not suspended. It will badly affect the right of the appellant.

It is, therefore, most humbly prayed that the order dated 22.06.2021 may be suspended till the disposal of the main appeal. Any other remedy, which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

*Aye*  
APPELLANT

THROUGH:

*27/0*  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.

A (08)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Services of Mst. Ayesha Gul Lab Supdt, GGHSS Nowshera Kalan are hereby placed at the disposal of District Education Officer (Female) Mardan for further adjustment.

Note:

1. Compliance report should be submitted to all concerned.
2. No TA/DA is allowed.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

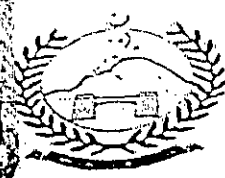
Endst: No. 3037-41 /F.No. /A-23/MS/Appeal Lab Assistant Dated Peshawar the 12/7/2019.

Copy forwarded to the: -

1. District Education Officer (Female) Nowshera.
2. District Education Officer (Female) Mardan
3. District Accounts Officer Nowshera/Mardan.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

*Munawar A. 12/7/19*  
Assistant Director (Admn)  
Directorate of Elementary & Secy. Education  
Khyber Pakhtunkhwa, Peshawar

B 09



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN.  
PHONE/FAX NO.09379230150  
Email Address:-EMISMARDAN\_DEOFEMALE@YAHOO.COM

**OFFICE ORDER**

Consequent upon the direction of Director (E & SE) Khyber Pakhtun Khwa Peshawar letter No 3751 dated 28.08.2019. Mst Ayesha Gul Lab Supdt GGHSS Nowshera Kalan is hereby adjusted to DEO (Female) Mardan against vacant Post of Assistant programmer of this Office in the interest of public service.

**Note:** No TA/DA is allowed.  
Charge report should be submitted to all concerned.

(SOFIA TABASUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

Endst; No 10683/G /Resignation file, Dated Mardan the 23-09/2019

Copy to the,-

1. Director (E & SE) Khyber Pakhtun Khwa Peshawar.
2. PA Director (E & SE) Khyber Pakhtun Khwa Peshawar.
3. Distract Education Officer Female Mardaa.
4. District Accounts Office Mardan.
5. Principal Concerned.
6. Accountant local office..
7. Personal file

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.



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CamScanner



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR.**  
Phone: 091-9225344 Email: ddadmin\_ese@gnail.com

**Office Order**

The posting/transfer in respect of the following officials is hereby ordered on their own pay and BPS in the interest of public service with effect the date of their taking over charge.

S.#	Name/Design:	Present Posting	Adjustment at	Remarks
1	Mst Aisha Gul Lab Supdt BS-16	GGHSS Nowshera District Nowshera	Kalan GGHSS Shah Dand Por Hoti Mardan	Vice S.No.1
2	Mst. Samina Gul Lab Supdt: BS-16	GGHSS Shadhand Mardan	Baba GGHSS Nowshera Kalan District Nowshera	Vice S.No.2

**Note:-**

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3655-5<sup>29</sup> /F.No. /A-23/MS/Nowshera/Vol IV/2019

Dated Peshawar the 09/09/2020

**Copy forwarded to the: -**

1. District Education Officer (Female) Mardan/Nowshera
2. District Accounts Officer Concerned.
3. Principal/HM Concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

**Assistant Director (Admin)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

2011



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.  
Phone: (091) 972222  
Email: ddadrn.esc@gmail.com

**Office Order**

The posting order for order issued vides this office order Endst: No. 3655-59/A-23/MS/Nowshera/IV/2019 dated 09/09/2020 is here by Withdrawn.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. *5022-2* /E.No. /A-23/MS/Nowshera/Vol IV/2019  
Dated Peshawar the 09/09/2020

Copy forwarded to the

1. District Education Officer (Female) Mardan/Nowshera
2. District Accounts Officer Concerned.
3. Principal/HM Concerned
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

*[Signature]*  
Assistant Director (Admin)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

*[Signature]*  
VICE PRINCIPAL  
G.G.H.S.S, Shahdand Baba  
Mardan  
30-9-2020



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**  
 Phone: 091 99225344 Email: dde@peshawar.gov.pk

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Office Order

The posting/transfer order issued vide this office Order No. 3655-59/A-23/MS/Nowshera/Vol-IV/2019 dated 09/09/2020 and withdrawn vide this office Order No. 5827-26 dated 29/09/2020 is hereby restored

**DIRECTOR**  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

Emost. No. 9519 / F.No. /A-23/MS/Nowshera/Vol-IV/2019 Dated Peshawar the 9/6/2022

- 1. Copy forwarded to the District Education Officer (Female) Mardan/Nowshera
- 2. District Accounts Officer Concerned
- 3. Principal/HM Concerned
- 4. Officials concerned
- 5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 6. Master file

*[Signature]*  
**Deputy Director (F&A)**  
 Directorate of Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadm.ee@gmail.com

**Office Order**

The restoration order issued vide this office order under Endst: No. 9519/A-23/MS/Nowshera/Vol IV/2019 dated 09/06/2021 is here by Withdrawn.

**DIRECTOR**

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 2645-15/F.No. /A-23/MS/Nowshera/Vol IV/2019

Dated Peshawar the 22/6 /2021

Copy forwarded to the: -

1. District Education Officer (Female) Mardan/Nowshera
2. District Accounts Officer Concerned.
3. Principal/HM Concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

**Deputy Director (F&A)**

Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

To

The Secretary,

Elementary & Secondary Education Department KP,

Peshawar.

Sub: Appeal against the 'Transfer' made in the violation of Posting/ Transfer Policy of Govt. of KP.

Sir,

It is stated that

- Director E&SED KP transferred my services from GGHSS Nowshera Kalan and placed me at the disposal of DEO( female) Mardan vide Order Endorsement No.3037-41/F. No. / A-23/MS/Appeal/ Lab. Assistant dated Peshawar 12.7.2019. (copy enclosed).
- DEO(Female) adjusted me (2 months & 11 days later) as "ASSISTANT PROGRAMMER" at her office vide Endst. No. 10683/ G/ Resignation File on 23.09.2019.(copy enclosed) The posting was wrng.
- Director E&SED KP Peshawar transferred my services from GGHSS Nowshera Kalan to GGHSS Shah Dand Mardan vide order's Endst. No. 3655-59/F. No./ A-23/MS/Nowshera/Vol. IV/ 2019 dated 9.9.2020. (copy enclosed).
- The same Director withdrew the order Endst. No. 3655-59/A-23/MS/Nowshera/Vol. vide Endst. No. 5822-31/F.No. A/23/MS/Nowshera/Vol. IV/2019 dated 29.9.2020.(copy enclosed).
- Samina Gul lab. Supdt (BPS-16) handed over a fake case prepared by Muddasir Iqbal Advocate High Court (at Mardan) and the Affidavit duly signed by Tariq Aziz Advocate (Oath Commissioner Mardan) No.323 dated 12.9.2020 to the Principal GGHSS Shah Dand Mardan to pressurize and restrain her from handing over charge to me (copy enclosed) though the case was not filed with Senior Civil Judge Mardan because it is not traceable in the court's record. This is forgery and unlawful deed which is punishable according to the law.
- Director restored the "Transfer Order" Endst. No. 3655-59/A-23/MS/Nowshera/Vol. IV/2019 dated 09.09.2020 & withdrawn vide Endst. No. 5822-26, on 9.6.2021 vide Endst. No. 9519/F. No./A-23/MS/Nowshera/vol. IV 2019. (copy enclosed)
- Director, once again, withdrew his Order Endst. No. 9519/A-23/MS/Nowshera/Vol. IV 2019 dated 9.6.2021 within a fortnight, on 22.6.2021. vide Endst. No. 2645-15/ F.No./ A-23/MS/Nowshera/vol.IV 2019. (copy enclosed)
- The lady namely Samina Gul who is posted at GGHSS Shah Dand Mardan worked at the same school for 30 years and the Director is victimizing other employees for unknown reasons.
- These Six times "Transfer Order" within 2 years duration created a shocking condition and environment for me which is harassment, also.



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Therefore, you are humbly requested to look into the matter humanly and humanely, and relieve me of the shocking condition and environment, and harassment at your earliest convenience.

Thanking you in anticipation.

Dated 12.07.2021

Yours Faithful,

Ayesha Gul



Lab. Supdt (BPS-16)

GGHSS Shahdand Mardan

Through

Miraj Khan (spouse)

Prof. of English

Moh. Allah Dad Khel Hoti, Mardan.

Cell: 03469326008

Diary Number 3970  
Date of Diary 12/7/2021  
Secretary Elementary & Secondary  
Education, Mardan

## Posting and Transfer

### Statutory Provision.

#### Section 10 of the NWFP Civil Servants Act, 1973.

**Posting and Transfer.** Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

### POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- ✓ iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

<sup>1</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP

1 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985; District Government Rules of Business, 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

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**ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 85**

needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.  
<sup>2</sup>DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. <b>DMG, PSP</b> including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.

1 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004.  
 2 Added vide Urdu circular letter No. SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

**86 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]**

2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
<b>In the Secretariat</b>		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept. in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
  - a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
  - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- xiv) ✓ Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders.

**ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 87**

Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-15 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

I 90

For Appellant

Sr. No. Date of order/proceedings

2

3

Order or other proceedings with signature of Judge or Magistrate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 66/2018

Date of Institution ... 16.01.2018

Date of Decision ... 04.04.2018

Muhammad Miskeen, Head Clerk, (BPS-16) Hazara Irrigation Division, Abbottabad.

**APPELLANT**

1. The Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Peshawar.
2. The Chief Engineer (SOUTH) Irrigation Department, Khyber Pakhtunkhwa Peshawar.
3. Muhammad Hamayun Head Clerk, Swabi Irrigation Division No.2 Swabi.

**RESPONDENTS**

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: -

04.04.2018

Learned Counsel for the appellant present. Learned Deputy District Attorney on behalf of official respondents present. Learned Counsel for private respondent No. 3 present.

2. The appellant has filed the present appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13.12.2017 whereby transfer/posting order dated 02.11.2017 regarding transfer of appellant from

*(Handwritten signature/initials)*

21

Swabi Irrigation Division No.2 Swabi to Hazara Irrigation Division Abbottabad was cancelled. The departmental appeal of the appellant could not prove successful. Hence the present service appeal.

3. Learned counsel for the appellant argued that the appellant was stationed at Swabi Irrigation Division since year 2014 while respondent No.5 was stationed at Hazara Irrigation Division Abbottabad since year 2014; that vide order dated 02.11.2017 the appellant was transferred to Hazara Irrigation Division Abbottabad while respondent No.3 was transferred to Swabi Irrigation Division No Swabi, however just after one month of the issuance of transfer order, the respondent department cancelled the same vide impugned order dated 13.12.2017 on the basis of political influence and in violation of transfer/posting policy. Learned counsel for the appellant vehemently stressed that the impugned order is liable to be set aside.

4. As against that learned counsel for private respondent argued that the appellant was promoted as Head Clerk by order dated 07.11.2016 and was still on probation when the transfer order dated 02.11.2017 was issued hence the s

22

was rightly cancelled by the respondent department. Further argued that after promotion to the post of Head Clerk on regular basis vide order dated 07.11.2016 the appellant has not yet completed his normal tenure at Swabi Irrigation Division No.2 Swabi as such the impugned order is not open to any exception.

5. Learned DDA adopted the arguments of Learned counsel for private respondent and relied upon the written reply/para wise comments of the official respondents.

6. Arguments heard. File perused.

7. It is not disputed that the appellant was serving at Swabi Irrigation Division No.2 Swabi and respondent No.3 was serving at Hazara Irrigation Division Abbottabad since year 2014 and vide order dated 02.11.2017 the appellant was transferred from Swabi to Abbottabad while respondent No.3 was transferred from Abbottabad to Swabi. However after one month of issuance of transfer order, the same was cancelled by respondent department without assigning any reason in the impugned order dated 13.12.2017.

8. Learned DDA remained unable to demonstrate any

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valic reason or exigencies of service due to which the transfer order dated 02.11.2017 was cancelled just after one month of its issuance.

9. There is no dispute that the respondent No.3 has already served for a period more than his normal tenure at Abbottabad before his transfer to Swabi Irrigation Division No.2 Swabi vide order 02.11.2017. Arguments of learned counsel for private respondent No.3 that the appellant should not be transfer out from Swabi Irrigation Division No.2 Swabi being a probationer, carries no weight.

10. In the light of above discussion this Tribunal is of the considered opinion that the impugned order dated 13.12.2017 is arbitrary and issued on extraneous considerations, hence not tenable in the eyes of law. Consequently the present service appeal is accepted and the impugned order dated 13.12.2017 is set aside, resultantly the transfer order dated 02.11.2017 is restored. Parties are left to bear their own costs. File be consigned to the record room after its completion.

(MUMAD HASSAN)  
MEMBER

(MUHAMMAD HAMID MUGHAL)  
MEMBER

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

SB

Appeal No. 7739 of 2022

Aisha Gul Appellant/Petitioner

Sey ESSE KP Peshawar Respondent

Respondent No. (1)

Notice to: — Sey ESSE KP Peshawar

[Signature]  
3/6

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 07/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 02 Day of June 2022.

For Reg

[Signature]

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

Amala Apte Case No. While making any correspondence.  
The mode of address in the copy are the same that of the main copy except Sunday and Observed holidays

**REGISTRAR**  
**खाशरी वाकिलीकाम सेवाचे न्यायालय**  
**REGISTRAR**

Date of ..... 30, 5

Given under my hand and the seal of this Court at Beshamwar this.....

05

office Notice No..... dated.....

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

this appeal petition.

Notice posted to this address by registered post will be deemed sufficient for the purpose of address given in the appeal petition will be deemed to be your correct address and further address. If you fail to furnish such address your address contained in this notice which is given to you by registered post, you should inform the Registrar of any change in your

Notice of any alteration in the date fixed for hearing of this appeal petition will be

appeal petition will be heard and decided in your absence.

Default of your appearance on the date fixed and in the manner aforementioned, the alongwith any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing 4 copies of written statement advocate, and supported by your power of Attorney, you are, therefore, required to file in the case may be postponed either in person or by authorized representative or by any appearance petitioners you are at liberty to do so on the date fixed, or any other day to which hereby informed that the said appeal petition is fixed for hearing before the Tribunal the above case by the petitioners in this Court and notice has been ordered to issue. You are

Proviso Service Tribunal Act, 1974, has been presented/registered for consideration in

WHEREAS an appeal petition under the provision of the खाशरी वाकिलीकाम

Notice to: -

*Handwritten signature/initials*

Respondent No.....

17

*Handwritten signature/initials*

Respondent

*Handwritten signature/initials*

Appellant/Petitioner

No.....

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No.....

BESHAMWAR

05

JUDICIAL COMPLEX (OGD), KHABER ROAD,

खाशरी वाकिलीकाम सेवाचे न्यायालय, बेशमवार

B..

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

*SB*

Appeal No. *7739* of *2021*

*Aisha Gul* Appellant/Petitioner

Versus

*Secy. EGSE KP Peshawar* Respondent

Respondent No. *(2)*

Notice to: — *The Director EGSE KP, Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *07/06/2022* at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this *07*.....

Day of *June* 20 *2022*

*For Reply*

*[Signature]*  
*21/6/22*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

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**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No. *Recd*

*SB*

Appeal No. *7739* of 20*22*

*Aisha Gul*

Appellant/Petitioner

*Secy EGSE KP Peshawar* <sup>Versus</sup>

Respondent

Respondent No. *(5)*

Notice to: — *Mst Samina Gul Lab. Superintendent (BPS-16)*  
*GGHSS Shahdand Mardan*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *07/06/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this *01*

Day of *June* 20 *22*

*For Reply*

*[Signature]*

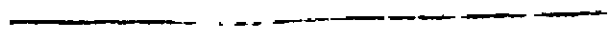
Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

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1. The first part of the report is devoted to a description of the work done during the period 1.1.68 to 31.3.68.

2. The second part is devoted to a description of the work done during the period 1.4.68 to 31.6.68.

3. The third part is devoted to a description of the work done during the period 1.7.68 to 31.9.68.

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“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Regd

SB

Appeal No. 7739 of 20 22

Aisha Gul

Appellant/Petitioner

Secy ESSE KP Peshawar

Respondent

(4)

Respondent No.

Notice to: —

DEO (Female) Nowshera

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 07/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 01

Day of June 22 20 22

For Rep'y

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



Note: 1. Always quote Case No. While making any correspondence.  
2. The hours of attendance in the court are the same as of the High Court at Beshawar.

Registry  
Khyber Pakhtunkhwa Service Tribunal  
Beshawar

Day of ..... 50

Given under my hand and the seal of this Court at Beshawar this .....

Office Notice No. .... dated .....

Copy of appeal is attached. Copy of appeal has already been sent to you via this

the appeal petition.

Notice posted to this address by registered post will be deemed sufficient for the purpose. The address given in the appeal petition will be deemed to be your correct address and for the purpose of this notice. If you fail to furnish such address your address contained in this notice which is given to you by registered post, you should inform the Registrar of any change in your

Notice of any alteration in the date fixed for hearing of this appeal petition will be

appeal petition will be heard and decided in your absence.

default of your appearance on the date fixed and in the manner aforementioned, the alongwith any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing of copies of written statements Advocate, duly supported by you, however, of Attorney. You are, therefore, required to file in the case may be postponed either in person or by authorized representative or by any appeal petition. You are at liberty to do so on the date fixed or any other day to which

\*on ..... at 8:00 A.M. If you wish to make any further appeal petition, the above case by the petitioner in this Court and notice has been ordered to issue. You are Province Service Tribunal Act, 1974, has been presented/registered for consideration in

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa

Notice to: —

DEO (General) Beshawar

Respondent No. ....

DEO (General) Beshawar

Respondent

Appellant No. ....

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of 50

No. ....

BESHAWAR

JUDICIAL COMPLEX (OGD), KHAYBER ROAD,

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BESHAWAR

"B"

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

S.B

No.

APPEAL No. 7739 of 20 21.

Recd  
✓

Aisha Gul

Appellant/Petitioner

Versus

The Secy F&SI Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Aisha Gul Lab Superintendent  
(BPS-16) 676 HSS Nowshera Kalan  
Distt. Nowshera.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23/2/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

*Recd*

*SB*

Appeal No. 7739 of 20 21

Aisha Gul Appellant/Petitioner

Sey ESSE KP Peshawar Respondent

Respondent No. (3)

Notice to: —

DEO (Female) Mardan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 07/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this.....  
Day of June 2022

*For Reply*

*[Signature]*

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

Note: 1. Five hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

ΕΠΙΤΡΟΠΗ ΔΙΚΑΙΟΣΥΝΗΣ ΚΑΙ ΕΝΔΙΑΦΕΡΟΝΤΩΝ  
ΚΕΝΤΡΙΚΟ ΕΛΕΓΧΤΙΚΟ ΣΥΣΤΗΜΑ

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Πράξη της Επιτροπής Δικαιοσύνης και Ενδιαφερόντων

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Επιτροπή Δικαιοσύνης και Ενδιαφερόντων

**VAKALATNAMA**

NO. \_\_\_\_\_/20

**IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR**

Aisha Gul

Appellant  
Petitioner  
Plaintiff

**VERSUS**

Elementary & Secondary Education

Respondent (s)  
Defendants (s)

I/WE Aisha Gul

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_/20

Aye

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari

**SYED NOMAN ALI BUKHARI  
ADVOCATE HIGH COURT**

S. Khan

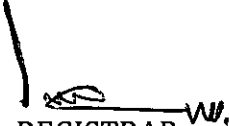

**SHAHKAR KHAN YOUSAFZAI  
ADVOCATE PESHAWAR.**

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 7739 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2021	<p>The appeal of Ayesha Gul resubmitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/12/21</u>.</p> <p>CHAIRMAN</p>
	14.12.2021	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and her counsel. Adjourned. To come up for preliminary hearing on 23.02.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

*Noted*  
*27/12/21*  
*22/12/2021*

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.

19.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant has been serving as Lab Superintendent (BS-16) in the respondent department. She was transferred from GGHSS Nowshera Kalan to GGHSS Shah Dand Par Hoti Mardan vide office order dated 09.09.2020. However, the said order was subsequently withdrawn vide another order dated 29.09.2020. The order dated 09.09.2020 was again restored vide office order dated 09.06.2021 but which was withdrawn vide yet another office order dated 22.06.2021 and the same has been impugned in the instant service appeal. The appellant submitted departmental appeal to respondent No. 1 on 17.07.2021 however the same was not responded within the statutory period hence the service appeal was filed in Service Tribunal on 05.11.2021. It was further argued that these are not speaking orders and have been issued without any reasons. In support of his arguments, learned counsel for the appellant referred to clause (i) and (iv) of the Posting Transfer Policy of Provincial Government as well as Service Tribunal judgement dated 04.04.2018 delivered in service appeal No. 66/2018 titled "Muhammad Miskeen Head Clerk (BS-16) Hazara Irrigation Divison Abbottabad Versus Government of Khyber Pakhtunkhwa".

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 07.06.2022. Alongwith the memorandum of service appeal, application for suspension of the operation of order dated 22.06.2021 has also been submitted. Notice of the said application be also issued to the respondents for reply/comments.

(Mian Muhammad)  
Member(E)

Rs-700/-  
Jeposi.  
Appf Security & Process fee  
19/5/22



07.06.2022

Clerk to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Reply of respondents is still awaited. Learned AAG requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 18.07.2022 before S.B.



(Rozina Rehman)  
Member (J)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: Aisha Gul vs Ed. Education Deptt

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Syed Noman Ali Bukhari</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?		
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		✓
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Syed Noman Ali Bukhari

Signature: *[Handwritten Signature]*


Dated: 5-11-2021

The appeal of Aisha Gul, Superintendent (BPS-17), GGHSS Shahdand, District Mardan received today i.e. on 05.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Index of the appeal is not attached with the appeal.
3. Memorandum of the appeal and certificate is unsigned which may be signed by the appellant and counsel.
4. Appeal has not been flagged/marked with annexure marks.
5. Annexures of the appeal may be attested.
6. Affidavit is not attested by the Oath Commissioner.
7. Facts of the appeal is not related to the appeal of appellant.
8. Annexures of the appeal is not in sequence which may be placed in order.
9. Copies of office order dated 29/09/2020 and 09/06/2020 attached with the appeal are illegible which may be replaced by legible/better one.
10. Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
11. Wakalat Nama in favor of appellant is not attested.

No. 2209 /S.T,

Dt. 05/11 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noman Ali Bukhari Adv. Pesh.

Sir,

All objections Remand & file re-submitted.

